

**CHRIS CANNON**  
3RD DISTRICT, UTAH

**WASHINGTON OFFICE:**

118 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-7751  
FAX (202) 225-5629

**UTAH OFFICE:**

51 S. UNIVERSITY AVENUE, SUITE 319  
PROVO, UT 84606  
(801) 379-2500  
FAX (801) 379-2509  
1-800-571-2971 (UTAH ONLY)

[www.house.gov/cannon](http://www.house.gov/cannon)

E-mail: [Cannon.ut03@mail.house.gov](mailto:Cannon.ut03@mail.house.gov)



# Congress of the United States

House of Representatives

Washington, DC 20515

January 28, 2002

**COMMITTEE ON THE JUDICIARY**

**SUBCOMMITTEES:**

COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY  
IMMIGRATION AND CLAIMS

**COMMITTEE ON RESOURCES**

**SUBCOMMITTEES:**

ENERGY AND MINERAL RESOURCES  
NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

**COMMITTEE ON GOVERNMENT REFORM**

**SUBCOMMITTEES:**

CENSUS  
ENERGY POLICY, NATURAL RESOURCES,  
AND REGULATORY AFFAIRS

**COMMITTEE ON SCIENCE**

**SUBCOMMITTEES:**

SPACE AND AERONAUTICS  
ENVIRONMENT, TECHNOLOGY, AND STANDARDS

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: *Digital Broadband Applications Corporation's ("DBAC") January 8, 2002 Application*

Dear Chairman Powell:

As you may know, I have been closely following the proposed acquisition by EchoStar of Hughes and its DirecTV subsidiary. The House Judiciary Committee has taken an active interest in preserving competition in the multichannel video programming and broadband markets. I have written to you previously on this matter together with other Members to express concerns about of the proposed merger.

I am now writing on a related topic to urge the Federal Communications Commission to give serious consideration to Digital Broadband Applications Corporation's ("DBAC") January 8, 2002 application for authority to operate earth stations with Fixed Satellite Service ("FSS") and Direct Broadcast Service ("DBS") satellites to provide a combined satellite video and high-speed data service throughout the United States.

DBAC's use of FSS and DBS satellites – as well as terrestrial Local Multipoint Distribution Service ("LMDS") spectrum where available – will provide an important alternative for all Americans for broadband video and data services, such as multichannel programming and two-way high-speed Internet access. For many people in rural America, satellite-delivered video and data service is the only option, since cable television and digital subscriber line ("DSL") service is either unavailable or prohibitively expensive. The DBAC application takes on added urgency if the Commission is even considering the proposed merger of the only two major DBS market participants, a merger that would prohibit new entrants and greatly reduce the quality of customer service for many Americans.

FEB 26 12 38 PM '02

CSB  
merger  
PV  
MKP  
0574

This Congress has sought sustainable, nationwide competition in the multichannel video programming and broadband service markets to spur lower prices, and improve service quality and innovation. It is critical that the FCC fulfill these important Congressional objectives. Granting approval to DBAC's application would be a helpful step toward preserving and enhancing competition for these services.

Thank you for your attention to this issue. I look forward to your response and favorable action from the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cannon", with a long horizontal flourish extending to the right.

Chris Cannon  
Member of Congress